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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,188	06/26/2003	Thor W. Nilsen	DSC0028-00US	6182
48394 DIEHL SERVI	7590 04/20/201 LLA LLC	EXAMINER		
77 BRANT AV SUITE 210	E	SISSON, BRADLEY L		
CLARK, NJ 07	066	ART UNIT	PAPER NUMBER	
			1634	
			NOTIFICATION DATE	DELIVERY MODE
			04/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dsiplaw.com jescobar@dsiplaw.com dwarrick@dsiplaw.com

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/607,188	NILSEN, THOR W.		
Examiner	A (11 14		
Examiner	Art Unit		

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address − THE REPLY FILED 12 April 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of it application, applicant must timely file one of the following replies. (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance, (2) a. Notice of Appeal (with appeal fee) in compliance with 37° CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expires months from the mailing date of the final rejection. b) ☑ The period for reply expires on (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later, no event, however, will the statutory period for reply expires that the statutory period for reply expires to the final rejection. Examiner Note: If low it is checked, check eliment to (3) or (3) on (3) on (4) of (4)		Brauley L. Sisson	1034	
 1.	The MAILING DATE of this communication appea	ars on the cover sheet with the c	correspondence add	ress
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Requestor Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on. (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, no event, however, will the statulory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TV MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the pappropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) shove, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if firmely filed are replected in lower produce any amend patent term adjustment. See 37 CFR 1.70(a) and the purpose of Appeal was filed on	THE REPLY FILED <u>12 April 2010</u> FAILS TO PLACE THIS APPL	ICATION IN CONDITION FOR A	LLOWANCE.	
b)	application, applicant must timely file one of the following re application in condition for allowance; (2) a Notice of Appea for Continued Examination (RCE) in compliance with 37 CF	eplies: (1) an amendment, affidavi al (with appeal fee) in compliance	t, or other evidence, v with 37 CFR 41.31; o	which places the r (3) a Request
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1s checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TV MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.316(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the expiration date of the shortened of reply originally set in the part of the expiration date of the shortened of reply originally set in the part of the expiration date of the shortened of reply originally set in the part of the expiration date of the shortened of reply originally set in the final forest of the set of the shortened of the proposed amount of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. A proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) the prayers have filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. A proposed amendment(s) filed after a final rejection, but prior to the date of filing a prior, will not be entered because filed after or	a) The period for reply expiresmonths from the mailing	date of the final rejection.		
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fer under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) set forth in (b) above, if checked. Any reply must be filed within three months after the mailing date of the final rejection, but prior to the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). **MENDMENTS** 3. **\sum proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) **\sum present extension feet the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) **\sum present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: **See Continuation Sheet.** (See 37 CFR 1.116 and 41.33(a)). 4. *\sum present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: *\sum present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: *\sum present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: *\s	no event, however, will the statutory period for reply expire lat Examiner Note: If box 1 is checked, check either box (a) or (b	ter than SIX MONTHS from the mailing). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	on.
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13. ☐ Other:	13. Other:			
/Bradley L. Sisson/				
Primary Examiner Art Unit: 1634				

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are predicated on the entry of the Rule 1.116 amendment. As noted above, the proposed amendment has not been entered. Accordingly, the rejections are maintained for reasons of record.